

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TAURUS ROBERSON	§	
VS.	§	CIVIL ACTION NO. 9:24cv60
UNITED STATES OF AMERICA	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Taurus Roberson, proceeding *pro se*, filed the above-styled motion to vacate, set aside or correct sentence. This matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

The court previously entered an Order directing movant to resubmit his motion to vacate using a form provided by the court. A copy of the Order was sent to movant at the United States Penitentiary in Pine Knot, Kentucky, the address movant provided to the court. The copy of the Order sent to movant was returned to the court with a notation stating movant was no longer at that address. Movant has not supplied the court with a new address or otherwise contacted the court.

Federal Rule of Civil Procedure 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980). *See also McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). Local Rule CV-11(d) requires *pro se* litigants such as movant to keep the clerk advised of his or her current physical address.

By not providing the court with his correct address, movant has prevented the court from communicating with him and moving this case towards resolution. He has therefore failed to

diligently prosecute this case. As a result, this case should be dismissed without prejudice for want of prosecution.

Recommendation

This motion to vacate, set aside or correct sentence should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Objections

Within 14 days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge. 28 U.S.C. § 636 (b)(1)(C).

Failure to file written objections to the proposed findings of facts, conclusions of law and recommendations contained within this report within 14 days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings, conclusions and recommendations and from appellate review of factual findings and legal conclusions accepted by the district court except on grounds of plain error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415,1429 (5th Cir. 1996) (*en banc*); 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72.

SIGNED this 28th day of August, 2024.



Zack Hawthorn
United States Magistrate Judge